

---

THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

---

CONSTANTINO CUARA RODRIGUEZ,  
Plaintiff,  
v.  
VERIZONS, JEFFERSON CAPITAL  
SYSTEM, and SYNCHRONY BANK,  
Defendants.

**ORDER ADOPTING [7] REPORT AND  
RECOMMENDATION**

Case No. 2:23-cv-00439-DBB-JCB

District Judge David Barlow

The Report and Recommendation<sup>1</sup> issued by United States Magistrate Judge Jared C. Bennett on August 30, 2023 recommends that the court dismiss Plaintiff Constantino Cuara Rodriguez's ("Mr. Rodriguez") action pursuant to 28 U.S.C. § 1915. The magistrate judge reasoned dismissal against Defendants "Verizon's," "Jefferson Capital System," and "Synchrony Bank" was proper because Mr. Rodriguez fails to state a claim and his Complaint is frivolous.<sup>2</sup> The magistrate judge recommended dismissal with prejudice, concluding that granting Mr. Rodriguez leave to amend would be futile.<sup>3</sup>

The magistrate judge advised Mr. Rodriguez of his right to object to the Report and Recommendation within fourteen days of its service under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).<sup>4</sup> Mr. Rodriguez did not file an objection and the time for doing so

---

<sup>1</sup> R. & R., ECF No. 7.

<sup>2</sup> *Id.* at 6–8; *see* Compl., ECF No. 4.

<sup>3</sup> R. & R. 8.

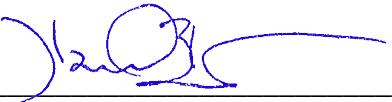
<sup>4</sup> *Id.* at 9.

has passed.<sup>5</sup> Because he filed no objection, the court reviews the Report and Recommendation for clear error.<sup>6</sup> Having done so, the court finds that the magistrate judge's analysis and conclusions are sound. No clear error appears on the face of the record.

Accordingly, **IT IS HEREBY ORDERED** that the Report and Recommendation<sup>7</sup> is ADOPTED. The court DISMISSES with prejudice Plaintiff's action as frivolous and for failing to state a claim on which relief may be granted.

Signed September 14, 2023.

BY THE COURT



---

David Barlow  
United States District Judge

---

<sup>5</sup> See Docket.

<sup>6</sup> *Johnson v. Progressive Leasing*, No. 2:22-cv-00052, 2023 WL 4044514, at \*2 (D. Utah June 16, 2023) (citing *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999)).

<sup>7</sup> ECF No. 7.